

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

<b>ALVA MOORE, CHARLES CHINAKWE,</b>	)	
<b>and CECIL FAGG,</b>	)	
<b>Plaintiffs,</b>	)	<b>Civil Action No.:</b>
	)	<b>2-07-cv-448-MHT</b>
<b>v.</b>	)	
	)	
<b>STATE OF ALABAMA, et al.</b>	)	
	)	
<b>Defendants.</b>	)	

**PARTIES' PROPOSAL FOR CONSOLIDATION AND SEVERANCE OF  
CRUM PLAINTIFFS IN INTERVENTION**

The Court has recently granted the motions to intervene of approximately 32 individuals in the *Crum* litigation. In the orders granting the motions to intervene, the Court also ordered the clerk to set up a separate lawsuit as to each of the motions to intervene. Those motions to intervene sometimes contained multiple plaintiffs and claims against multiple state agencies.

The parties have conferred and agree that for discovery purposes **only**, the claims of plaintiffs involving the same state agencies should be consolidated into single lawsuits and that lawsuits which involve multiple state agencies should be severed into separate lawsuits. The parties do not agree as to the how these cases should be treated for trial purposes and all parties reserve the right to move to further consolidate or sever the cases as circumstances dictate. Defendants specifically believe that these plaintiffs' claims do not share a sufficient identity of interests because the majority of the facts and theories of recovery are distinctly different, will involve different witnesses, cover different time periods, different decision makers, and the possibility of confusion and prejudice to Defendants outweighs any benefit of trying the cases

together. In fact, consolidating these cases for trial will greatly lengthen the process.

Plaintiffs' dispute these contentions concerning the advisability of trying the claims together and assert that if advised every case would be served by trying claims and contentions together, but will reserve argument until such time as instructed by the Court to brief these issues.

This pleading is not intended as a position on class certification issues, either in the individual lawsuits or in the *Crum* litigation.

As to the three plaintiffs currently in this case, the parties propose that the Court enter orders to effectuate the following for discovery purposes only:

PLAINTIFF	STATE AGENCY <sup>1</sup>	ACTION REQUESTED
Alva Moore	Dept of Human Resources	Sever from this lawsuit and consolidate with <i>Mack</i> , 2:07-cv-465-MHT
Charles Chinakwe	Dept of Agriculture and Industry	Sever from this lawsuit and create new lawsuit
Cecil Fagg	Dept of Industrial Relations	Sever from this lawsuit and create new lawsuit

Respectfully submitted,

/s/ Russell W. Adams  
 Russell W. Adams  
 Counsel for Plaintiff

OF COUNSEL:

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<sup>1</sup>Each plaintiff also has claims against the State Personnel Department.

/s/ Brandy Lee Murphy  
Brandy Lee Murphy

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/s/ Alice Ann Byrne  
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